IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION NO : 23668 of 2004

Between:

M.Parvatamma, W/o.Ramachandra,
Chagaleru village, Chilamathur Mandal, Anantapur District.

..... PETITIONER

AND

1 The Revenue Divisional officer, Penukonda, Anantapur District.
2 The Mandal Revenue officer, Chilamathur Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the 2nd respondent in not receiving the demand draft and releasing the essential commodities in favour of the petitioner even though the authorization granted in her favour is subsisting as illegal arbitrary and consequently direct the 2nd respondent to release the esential commodities in favour of the petitioner forthwith.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The first respondent issued a show cause notice dated 10.07.2004 to the petitioner requiring her to explain as to why her dealership shall not be suspended, on the basis of the allegations contained in it. The petitioner claims to have submitted her explanation on 17.07.2004. Her grievance is that the supply of essential commodities for the month of December 2004 is stopped to her, without there being any order of suspension of dealership.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Though the learned counsel for the petitioner has pointed out that the very allegation in the show cause notice is vague and general and cannot be dealt with in any explanation, this Court is not inclined to deal with the same at this stage. It is true that no specific instance is pointed out against the petitioner and on the other hand it was indicated that she has been functioning as the dealer for the past nine years without any allegation. If the first respondent is convinced that the allegation is not true, he has to drop the proceedings and if any specific instances are established against the petitioner, appropriate action needs to be taken. However, there does not exist any justification for stopping the supplies to the petitioner even while the proceedings against her are pending, in the absence of any specific order by the appointing authority.

Hence, the writ petition is disposed of directing that the petitioner shall be supplied the essential commodities unless and until any orders are passed

suspending or cancelling her authorization. No order as to costs.

20.12.2004

Note:

Issue CC by tomorrow.

(BO)

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To

1 The Revenue Divisional officer, Penukonda, Anantapur District.
2 The Mandal Revenue officer, Chilamathur Mandal, Anantapur District.

3 Two CCs to the Government Pleader for Civil Supplies, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.